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For the following law and regulations relative to privateering under the government of Buenos Ayres, we are indebted to a valuable and respected friend, who kindly procured them to be translated for the NATIONAL REGISTER. We regret that our limits will not justify us in publishing the document entire in this number—we shall conclude it in our next.

THE SPEAKER DIRECTOR OF THE UNITED PROVINCES OF SOUTH AMERICA.

The sanguinary war which king Ferdinand the 7th, since the restitution to the throne of his fathers, has continued through the medium of tyrants, against the inhabitants of the new world, who have reclaimed their natural privileges, demands those measures of retaliation, which the rights of the people call for, and which will make the Spanish nation sensible of the consequences, of the barbarous obstinacy of their monarch, imposed upon by corrupt ministers, against the just complaint of the injured Americans. Humanity insulted by the cruel agents of the court of Madrid, and the infraction of the human and divine laws, which have secured till now from the devastation and conflagration committed by the Spanish commanders in all those parts of America which unhappily they have reached, would justify, in the opinion of all the world, every measure of reprisal; but unwilling to stain the sacred principles on which the emancipation of the united provinces of the south rests, or to form determinations unworthy of this enlightened age, resolving to regulate my proceedings, according to the system of war, existing among all civilized nations, and convinced of the progress made by the privateers of the free governments of America, I have resolved to give a convenient extension of hostilities by sea, and to make more conspicuous the losses which king Ferdinand, in his decree of the 8th of February of the present year, confesses that his subjects have suffered by this description of war, sustaining it vigorously, whilst Spain does not acknowledge the independence proclaimed by the sovereign congress of the state, whose direction and security I am charged with, and to the effect of intercepting the navigation and commerce of both countries by the opposition of naval forces fitted out in regular form on account of the nation, or private owners, I have resolved, that hereafter privateering may be continued against the subjects of Ferdinand 7th, and their property, according to the articles contained in the provisional regulations, which follow.

PROVISIONAL REGULATIONS FOR PRIVATEERING.

Article 1. The government will grant a license for privateering, to any person, who would wish to arm a vessel, against hostile colors; but previously to this grant, the individual shall give the security, the government shall require before the commissary of the navy also an account of what kind of vessel, its burthen, arms, ammunition and men.

Article 2. Besides this license, the commander of the navy will do all in his power, to facilitate the fitting out of the vessel, allowing the owner

to receive any one, who should wish to enter the service, excepting those who should be appointed for the state, or those who are actually in it.—When the vessel is ready for service, the captain shall receive from the commander of the navy, a copy of this regulation, also the private directions by which he is to govern his conduct, in his connexion with neutral vessels, and in particular, with the nations, whose colors have privileges, founded upon treaties made with this government.

Article 3. The officers of vessels for privateering, are under the protection of the laws of the state, and while in the service, shall enjoy the same privileges as our citizens.

Article 4. The owners have the right to make any contracts they should wish with the officers and crew of the privateers, provided they are not in opposition to laws and instructions of the government, and a copy of them be put in the general naval office, after which, a strict fulfilment of these contracts must be regarded.

Article 5. The cannons, guns and ammunitions, which the owners of the privateers should require for fitting out, shall be delivered to them under adequate security from the armory of the state, with this proviso, that they shall be returned at the end of the cruise; any dettiment which the owners may receive, or the consumption of ammunition during the service the government will not expect should be made whole, and should these vessels be taken by the enemy or destroyed by shipwreck, no demands will ever be made by the government.

Article 6. The privateers will be examined before their sailing by a commission nominated by the general commander of the navy, who will read the penal laws, and leave a copy of them, which is to be read every eight days to the crew, all of which will be put upon the register by the said commissioners, as immutable evidence that they have received these laws, and if they should be fitted out in a friendly port, they will be visited by the consuls or agents of this country, according to private instructions.

Article 7. The goods, liquors, and other articles for the consumption of the country, proceeding from the cargoes of the prizes, shall be settled by the custom house, in the same manner as other cargoes of commerce, including all other foreign branches; and from the total of the duties which may accrue, shall be deducted the third part for the benefit of the captors.

Article 8. Every prize shall be sent to the ports of the state, to be adjudged according to the legal usage in such cases; but if some extraordinary circumstance occur to prevent it, the commander of the privateer shall use every expedient for his security, preserving proper documents, which he will present in due time to a competent tribunal.

Article 9. On the silver and gold in specie, bullions and bars, shall be paid six per cent. in compensation for the privileges allowed in the fifth and seventh articles, and for being a capital proceeding from a capture.

Article 10. On the silver and gold manufactured into jewelry and articles of ornament and luxury,

shall be paid at their introduction, the same duties as on other commercial goods, according to their valuation.

Article 11. The privateers which shall take from the enemy interesting communications, or officers of note, &c. or engage in hostility with the enemy, shall be rewarded in a manner worthy of the generosity of the government, and in proportion to the importance of the service rendered.

Article 12. The government promises a reward to every privateer which shall capture an enemy's transport, containing troops, ammunition or implements of war, designed to commit hostilities against the freedom of the Americans, or to reinforce some point of the Spanish dominions, which reward will be regulated according to the case and circumstances, regarding the value of the prize.

Article 13. The commanders of the privateers destined to destroy the Spanish commerce, without cruelty in their treatment to the prisoners, shall set fire to, and destroy all the enemies sea vessels not worth bringing into port, and the said commanders are forbidden under a penalty which the occasion may require, on any pretence to return or leave vessels of this description in the power of the enemy, as such a favor will be considered as an act of hostility to the country.

Article 14. The vessels captured will be free from duties, excepting those of wharfage.

Article 15. The implements of war captured, shall be exempt from duties, and should the government be in want, it will take them at ten per cent. less than they can be purchased in market.

Article 16. All blacks who are taken shall be brought to our ports, and the government will pay fifty dollars for each who is able to bear arms, from twelve to forty years of age, inclusively with this objection only, that they shall serve but four years in the army; all under or beyond this age, or those that are unfit for service, shall be free, and the government will provide for them proper guardians. They also shall be free from all duties.

Article 17. The negroes captured, who cannot be brought to our ports on account of blockades, or the weakness of the vessel, &c. shall be sent to the free nations of America, and delivered there, to be at the disposition of the government, with this strict charge, that they shall not be sold as slaves, under the penalty of being excluded as transgressors from all privileges, whatever be their services, and from the protection of the laws of a country, who abhor slavery, and has forbidden this inhuman traffic.

Article 18. The cognizance of the prizes, which the privateers should bring or send to our ports, will belong to the tribunal of prizes.

Article 19. Should the said tribunal pronounce the prize unlawfully taken, and see no occasion for her detention, she shall be put immediately at liberty, without giving her the least expense even for wharfage; and if for this, or any other pretext, she should be detained, the expenses, prejudices, or damages, caused by this new detention, shall be defrayed by those who cause the delay to the proprietors.

Article 20. If the privateer capturing should not be satisfied with the decision of the tribunal, and should wish to continue the suit, recourse may be had to any person, with a special power from those interested, producing competent se-

curity, which he shall give to the satisfaction of the captain taken before bringing this appeal, to be held accountable to him, for the damages and losses which he sustains in consequence of detention, averages and injuries, of the vessel and cargo, loss of time and freights, and other casualties, that he may recover of the said capturer, after the confirmation of the first sentence. These damages, with the costs of suit, shall be paid to the captain taken, before his departure from the port, and if the captor cannot pay, recourse shall be had to the security given, who shall be obliged to answer for the same, without other formality or expectation, and with all the rigor of the law.

Article 21. No individual who receives a salary in the navy, shall demand wages or contribution for the services in which he may have been employed in the tribunal of prizes, and it is forbidden to them, to adjudge or appropriate to themselves merchandizes or other goods of said prizes, under the penalty of confiscation and deprivation of employment.

Article 22. The vessels armed for privateering, shall recognize the vessels of commerce of every nation, obliging them to exhibit their licenses and passports, their writings of property, and contracts of freight, with the journal of navigation, and rolls or catalogues of the crew and passengers. This investigation shall be carried out without violence, prejudice or interruption to the vessels, when going on board to recognize them or causing their master or captain coming with the said papers, which papers shall be examined by the captain of the privateer or the interpreter, whom he shall have on board for this purpose; and having no cause to detain them longer, they will be at liberty to pursue their voyage. If any should refuse this regular examination, he may compel them by force; but in no case shall the officers or individuals of the crew of the privateer demand any contribution from the captain, sailors or passengers of the vessels which they recognize, or do any acts of extortion or violence, nor suffer them to be done by others, under the penalty of exemplary punishment, which shall be extended even to death, according to the atrocity of the crime.

Article 23. When the captains of the vessels in which are found goods of the enemy, shall voluntarily declare that they belong to the enemy, they shall be transferred, without interrupting them in their passage, or delaying them longer than necessary, or the security of the vessel may require; and in this case, there shall be given to the said captain, a receipt of the goods transferred, expressing in it all the circumstances which may happen; and if not able to pay in money the freight due to them, for the said goods to the place of their destination, according to the invoices or bills of lading, there shall be signed a draft or warrant for their amount, on the owner or proprietor of the privateer, who shall be obliged to satisfy it, on its presentation—it being understood that the captains of the privateers in this case, shall bring a declaration, signed by the captain of the vessel detained, authenticated in the most unquestionable form possible.

Article 24. The vessels which shall be found sailing without legitimate authority from a republic, principality or state, that may have the power to grant it, shall be detained, as well as those which should fight with other colors, than those of the principality or state, from whom they de-

rive their commission, and those which shall have different colors from their principalities or states, shall all be declared good prizes, and in case of being armed for war, their commanders and officers shall be treated as pirates.

Article 25. The ships of pirates and *levantados*, shall be lawful prizes, also all the goods and effects belonging to them, but the merchandize which can be proved to belong to persons, who directly or indirectly have promoted piracy, or who are friendly to this country, shall be returned to them.

Article 26. It being not allowed in this country to arm for war any vessel, without my license or permit, on this account, a license or commission from any country or republic, though it may be in alliance, any one who may be found sailing with such despatches or without any, will be a good prize, and her captains or masters punished as pirates.

Article 27. Every ship of whatever description, armed for war or merchandize, which sails with colors or license, from inimical countries or states, shall be a good prize, with all the goods which she should have on board, though they may belong to persons of this country, in case they were shipped after the declaration of war, and having had sufficient time to receive notice of it.

Article 28. The vessels of commerce of whatever nation they may be, that should make any defence after the privateer shall have raised her colors, will be declared a good prize, unless the captain can prove that the privateer has given him sufficient motive for opposition.

Article 29. Whatever vessel that should be found without the papers mentioned in article 22d, or the more essential of them, as the license invoices of the cargo or others, which can affirm the vessel and cargo to be neutral, shall be considered a good prize, unless it can be proved, that they were lost by some inevitable circumstance. All papers presented shall be signed in due form to be admitted.

Article 30. If the captain or other persons of the vessels detained by the privateers, and also by the fleet of the state, should throw papers into the sea, and this should be verified in due form, they shall be from this single fact declared lawful prizes, and thus shall be understood the preceding article and others which relate to this subject.

Article 31. It is forbidden to the privateers to attack, commit hostility in any wise, or capture the vessels of the enemy, which may be in the ports of countries or states, which are neutrals or allies, as well as those which shall be under the fire of their fortifications; and to obviate all doubts, it is to be understood that prizes made of the enemy's vessels in the territory of neutrals or allies within cannon shot, even though there be no guns actually mounted or in operation, shall be entitled to the same protection, as if really under the cover of fortifications; provided, the enemy should equally respect this privilege in the territories of neutral or allied powers.

Article 32. It is also declared, that any vessel taken in the ports, and within reach of the cannon of the territories of allied or neutral sovereigns, shall not be considered as good prize, even though she should have been attacked at sea and pursued in, having surrendered in a place where she ought to enjoy that privilege as long as the enemy act in the same manner.

Article 33. Every privateer which shall retake a national vessel within twenty four hours after her capture, shall be entitled to half of the value of the prize, the original owner of the captured vessel receiving the other half. This division shall be made in a summary manner, so that the costs may be as moderate as possible. But if the reprisal should be made after the twenty-four hours from the capture, the privateer shall be entitled to the whole value of the vessel.

Article 34. If any vessel should be found at sea, or should appear in our port without having in voices of the cargo, or other documents, by which it may be determined to whom she belongs, and not having the original crew, the crew, as well as the captain of the captor, shall be interrogated separately as to the circumstances under which she was found and taken possession of. The cargo shall be examined by competent persons, and all possible diligence used to discover the owner; and in case the owner cannot be found, the whole shall be inventoried and held on safe keeping, to be restored to him who shall prove his right within a year, should there be no reason for declaring it a good prize, adjudging always one third of the value to those who have recovered it. Should the owner not appear during the said time, the two remaining thirds shall be considered as abandoned, and be divided in three equal portions, one of which shall be given to those who retook it, the other two shall be placed in the treasury.

Article 35. In all cases referred to, as soon as the privateer shall have detained any vessel, the papers of whatever kind, shall be carefully collected, and a particular description taken of them by a notary, and he shall give a receipt to the captain or master of the vessel detained, of all that are of importance, advising him not to conceal any, as only those which he should then present, shall be admitted to adjudge the prize.— This being done, the captain shall fold them up and keep them in a sealed bag or packet, which shall be given to the prize master, to be delivered by him to the government. The captain of the privateer, or any one of the crew, who shall for any object whatever conceal, destroy or mislay any of the said papers, shall be punished corporally, as the case may require, and the first shall moreover be obliged to pay all damages, and the latter be confined in Bridewell for ten years.

Article 36. At the same time the captain of the privateer will take care that the hatches be nailed and sealed in such a manner that they cannot be opened without breaking the seal. He will collect the keys of the cabin and other places, taking care of the goods, which are found on deck, and take inventory of all which may be easily mislaid, to be put under the care of the person, who shall be appointed to command the same vessel.

Article 37. No plunder will be permitted of the goods on deck, in the cabin, births and lodgings of the crew, and the privilege commonly called *del Pendulage*, is absolutely prohibited, and will be tolerated only in cases when resistance is made until boarded, with a care of avoiding all disorders occasioned by excessive licentiousness.

Article 38. When the crew of a vessel detained shall be conducted on board of the privateer, the notary shall take in the presence of the captain of the same, an account from them, her pilot and other persons, as may be convenient, respecting her cruise, cargo, and other circumstances of her

voyage, putting in writing every thing that may conduce to a full determination of the prize, asking them also, if besides the goods rendered in the invoices, they contain jewelry or other goods of value to the end that a proper disposition of them may be made.

Article 39. The prize master appointed to take charge of the vessel captured, shall be furnished with the foregoing manifest of the cargo, and shall be held accountable for whatever may be lost, through his fault or omission; and it is expressly declared that if any individual should open, without liberty, the hatches when sealed, chests, bales, casks, sacks or packages, in which may be merchandize or goods, he shall not only forfeit the proceeds, upon the prize being declared good, but shall be liable to suit, and punished according to the decision of the proper tribunal.

Article 40. To decide the legitimacy or illegitimacy of the prizes, there shall be no papers admitted, excepting those found and manifested on board; however if the necessary documents are wanting, and the captain should offer himself to prove that he has lost them by some inevitable accident, the tribunal shall grant a sufficient period of time for that purpose, according to the brevity with which these cases ought to be determined.

Article 41. If before the judgment of the prize be passed, it should be necessary to unlade the whole or a part of the cargo, to prevent its loss, the hatches shall be opened in the presence of the commander of the navy, or a commission nominated by him and the respective persons interested, shall concur in said act, and after taking an inventory of the goods, which are unshipped, they shall be deposited, with the assistance of a clerk appointed by the custom house, with a person of integrity, or in store, of which the captain or master of the vessel detained, shall have one key.

Article 42. Should it be necessary to dispose of a part or the whole of the goods, because it is impossible to preserve them, the sale shall be in the presence of the captain detained, by a public vendue, with the assistance of the same clerk of the custom house, depositing the product in the hands of some creditable person, to be delivered, to those to whom it may belong, after the prize has been adjudged.

Article 43. Should any person of whatever rank or condition, purchase secretly, or conceal any of the goods which he knows belong to the prize or the vessel taken, he shall be under the penalty of not only restoring all which he has taken clandestinely, but of paying three times the value of the goods, and suffer corporal punishment, according to the nature of the case.

Article 44. If the vessel detained should not be judicially condemned as lawful prize, the captain or master and crew shall be immediately reinstated in possession of her, to whom shall be restored all that may belong to them, without the least thing being retained. She shall be provided with the proper passport that she may without further detention continue her voyage, nor be obliged to pay port fees, but on the contrary, she shall be remunerated by the captor before her departure from the port, for the expenses, damages and prejudices incurred, which she ought in justice to claim, if it should come within the cases provided in the 22d and 30th articles. But there shall be no such power of reclamation, should the said

vessel have given motives of suspicion or others declared in this regulation, and for which suit should have been instituted, as it ought to appear with precision from the judicial proceedings that have been had on her account.

Article 45. Upon the vessel detained being declared a good prize, the capturers will be permitted the free use of her, after paying the duties claimed as the property of the state. From the total value which may result from the sale of the prizes made by vessels of war, there shall be made two portions, the one of three fifths to the crew and guards, and the other of two fifths to the body of officers. No individual, whether of the navy or other corps, who is a passenger or transport in the said vessel, at the time of capture, shall be included, under any pretext, as a sharer of the prize; but it will be the duty of the commander of the vessel to give an account to the commander of the navy, if any passenger or transport has distinguished himself in the action, that he may be rewarded, according to his rank, as one of the crew.

Article 46. By the present provisional regulation, all other proceedings, decrees, orders or regulations in opposition to this, are hereby declared invalid.

Given in the fortress of Buenos Ayres, the 15th of May, 1817.

JUAN MARTIN DE PUEYRREDON,
MATHIAS DE YRIGOYEN.

Secretary of war and navy.

True copy from the original.

(Signed)

YRIGOYEN

PENALTIES AGAINST THE OFFICERS TRANSGRESSING
THESE ARTICLES OF WAR.

Article 1. Whoever strikes the colors without order from the commandant, given personally and directly, or connives at, and induces the same to be done by others, shall suffer the penalty of death; likewise every one who compels the captain to surrender, or promotes combination of others in this attempt. This proved by the commander, and that all his efforts to maintain order and subordination were fruitless, shall remain exempt from charge.

Art. 2. To every loss of a vessel at sea, the commandant shall be brought before a council of war, who shall acquit him, if it be proved to have been irremediable in spite of the regular means to avoid the loss; but if malicious intent be proved in the transaction, he shall be sentenced to death; if ignorance, he shall lose his employment, and if omission and negligence, he shall moreover be subjected to imprisonment for such a time as the council of war shall determine.

Art. 3. If any officer should conceal, destroy or put aside, with whatever end or motive soever, letters of clearances, contracts of lading of the vessel which may be examined, detained or taken, and the bill of lading, or invoices of her cargo, or other instruments relating to it, to the vessel, to the master or captain, or to the crew, and letters or other papers which he may find, shall be deprived of his employment. This punishment or greater, according to the nature of the case, shall be inflicted on the officer who compels the captains and crews of the vessels he boards to pay him any thing, or make voluntarily exactions of them; proceeding moreover from privation of employment, to the penalty of confiscation towards him who extorts duties or contributions.

Art. 4. Every officer, of whatever rank or dignity he may be, is expressly prohibited from using towards his officers or any other subject to his command, such a language or conduct as can degrade, injure or insult them, under pain of being declared incapable of command.

Art. 5. To the officer who shall maltreat the people of the crew, or the guard of the vessel, according to his station, or forcibly compel them to be employed in servile exercises, which may be foreign to their duty, shall be sentenced by the council of war, to suspension from employment, and to greater penalty, according to the consequences he may have occasioned, if sedition or considerable desertion results from his abuse, besides obliging him to make reparation for the damages and losses which he shall have unjustly caused.

Art. 6. In the same manner, all officers are prohibited from drawing weapons against each other at sea or on shore, under the pain of being deprived of their employment, and of death against him who shall be proved the aggressor.

Art. 7. When the inattention of any commander of vessels, corps or detachments, shall give opportunity for any of them to excite their inferiors to act offensively against those of any other vessel or corps, such officers, soldiers and mariners, are forbidden to obey them, under the penalty of being decimated and put to death; and the commandant of the vessel, corps or detachment, shall suffer the same punishment, if with his crew he should act offensively against that of others known to be such.

Art. 8. Any commander of a vessel being on deck, shall correct the defects, as well in manœuvring the ship, as in the discipline and police to which the officer of the guard may be engaged—and the latter shall obey him under the penalty of being punished for disobedience; for the same reason shall be punished every officer who disobeys an order of arrest, by any other of superior rank, whose duty it shall be immediately to render an account to his commander.

Art. 9. No commander shall inflict corporal punishment on officers of war, whether of the rank of subalterns or non-commissioned officers, except by arrest or imprisonment, proportioned to their rank; but in case of disobedience, he can suspend from duty every one who is not an officer of war, making a report to the commander in chief, that the delinquent be tried before a council of war, in the same manner that crimes committed must ever be judged by this tribunal.

Art. 10. No privateering vessel shall give or receive a salute but under its own proper flag, nor fight under false colors, under pain of the dismissal of the officer who commands, and greater punishment according to the case.

(To be continued.)

From the Georgia Journal.

INDIAN WAR ON THE SOUTHERN FRONTIER.
OFFICIAL.

[Copy of a letter from major Gen. Gaines to the governor of this state, received by express.

HEAD QUARTERS,

Hartford, Geo. Jan. 23, 1818.

Sir—By a letter just now received from brigadier general Glascock, I am informed, that a party of Indians concealed in the swamp of Cedar creek, 7 miles east of Flint river, yesterday morn-

ing, fired upon and killed Mr. Thomas Leigh, assistant waggon master, and Samuel Lofters, of captain Avary's company of Georgia militia. The waggon master had been sent out with a small party of men and a drove of pack-horses, laden with provisions; which, by a prompt and judicious arrangement on the part of major Heard, were secured, with the residue of the party and horses. Gen. Glascock immediately ordered out a detachment under major Morgan, in pursuit of the Indians.

By a letter from colonel Arbuckle of the 18th instant, I learn that the Indians were to assemble near the mouth of Flint on the 21st for the purpose of concerting measures for the destruction of the inhabitants on the Chatahoochie, and the reduction of fort Scott. The latter they calculated upon starving out. Fort Gaines it was apprehended would be attacked. One of the inhabitants (Mr. Weaver) had been killed near the fort; a house had been burnt, and some other property destroyed.

The detachment and vessels under major Muhlenburg with military stores, arrived at fort Scott without any material loss, other than that mentioned in my last although incessantly annoyed by a very large force from each shore, from the 15th to the 25th December. A supply of provisions ordered in November last, had not reached the Appalachee at the date of colonel Arbuckle's letter, (of the 18th instant.) The troops were then without meat, but had engaged nearly one month's supply upon the Chatahoochie, part of which left fort Gaines under a strong guard on the 16th. The supply of flour at fort Scott is sufficient allowing full rations of that article for the troops there, until the middle of next month; and the arrival of sixty thousand rations from New Orleans is daily expected; and even should this supply fail, I have not a doubt of having a competent supply sent down the Flint and Chatahoochie, in time to prevent the troops from suffering.

I have been thus particular in communicating to your excellency the state of our supplies, as well as the movements of the enemy, from an impression, that a knowledge of these subjects would be accepted to you, and beneficial to the state over which you preside—as well as from a wish to draw from you a free communication of your views and wishes, upon whatever relates to the public service, connected with my command.

I have seen in the newspapers, with equal surprise and indignation, the attempts that have been made to lull the public mind into a belief, that the hostile Indians desire peace, and are willing to lay down their arms! Sir, there will be no peace until those Indians are severely chastised.

The chiefs were required to surrender the offenders! It was deliberately resolved in a large council of the Seminoles and "Red Sticks" at Mickasukee, that the offenders should neither be punished nor surrendered.

Some of their chiefs have triumphantly asserted, that we cannot beat them!—that we never have beaten them, except when we had "*Red people to help us*." It is not extraordinary they should entertain these opinions—they know little or nothing of the strength or resources of our country—and whatever information they have derived from their white friends (British officers and traders) could have no tendency to give them favorable impressions towards us. *They must be beaten before we can reasonably calculate upon peace.*

It is well known that seven of our citizens were killed by those Indians in the two years immediately succeeding the late war with England. Their chiefs admitted this, and that among the number was a woman and two children (Mrs. Garrett of this state.)

The principal chief, Chapichimico, notifying the warriors of the resolution of the chiefs in council, added that, "the day never should come when he would give up or punish a red man for killing a white man." These facts have been communicated to me by Indians, and through interpreters who I believe to be men of truth—nor have I a doubt but these facts were well known to those philanthropic writers of peace, who have had the sagacity to discover, that hostilities were commenced by the troops under my command, on the 20th of November last—and that we are the aggressors.

It is not an act of war, according to this doctrine, to massacre and scalp seven unoffending persons, among them a woman and her infants! What number then, I would ask, the massacre of which would constitute an act of war? Sir, my own humble impressions upon this subject are that the wanton massacre of an *infant not yet able to lip* the enviable declaration of "I am an American citizen," should be as promptly avenged as if fifty, or fifty thousand citizens had been thus massacred. When reparation is refused by the nation (whether red or white, civilized or savage), to whom the offenders belong—the nation itself becomes accountable, and should be chastised for the outrage.

I have little confidence in the expectations of obtaining any considerable aid from the friendly Indians; even should they join me, the loss of their chiefs may induce them to follow the example of the warriors under Perryman, and go over to the enemy; and I owe it to myself and to the public service to apprise you of the existence of a spirit of opposition, tending to counteract my efforts, having recently manifested itself in what is deemed to be the friendly part of the Creek nation; originating as I have reason to believe, with some evil disposed white persons, actually engaged in smuggling negroes into the United States from East Florida. A considerable number, as I am credibly informed and believe, have been taken to the immediate vicinity of the Creek agency. It rests with the agent to detect or explain this apparent violation of law. The movement of the troops and the active and general hostility of the Indians near the Florida line, will have a strong tendency to render this abominable traffic difficult and perilous; hence I expect to be honored with the ill will of every one engaged in it.

I have the honor to be very respectfully, your obedient servant.

EDMUND P. GAINES.
Major General Commanding.

His excellency Wm. RABUN.

NATIONAL LEGISLATURE.
FIRST SESSION—FIFTEENTH CONGRESS.

SENATE.

Wednesday February 4.
Agents of Indian Affairs, &c.

The following resolution was submitted for consideration by Mr. Williams of Tennessee:
Resolved, That the president of the United

States be requested to cause to be laid before the senate a list of the names of the several agents of Indian affairs, and of the agents of Indian trading houses, together with the pay and emoluments of each of said agents.

The resolution for instructing the committee on military affairs, to inquire into the expediency of fixing by law the salaries of Indian agents, was considered and agreed to.

The bill in addition to the act giving pensions to the orphans and widows of persons slain in the public or private armed vessels of the United States, and the bill providing for the sale of certain lands in the district of Marietta, and for the location of claims and sale of certain lands in the district of Vincennes, were ordered to be engrossed for a third reading.

Thursday February, 5.

Mr. Williams' motion of yesterday was agreed to.
Constitution of the United States, Proposed Amendment.

The senate resumed the consideration of the mode of disposing of the instructions from the legislature of Tennessee to its senators and representatives; and considerable debate took place on the following motion, submitted by Mr. Campbell:

Resolved, That the amendment to the constitution of the United States, proposed by the legislature of the state of Tennessee, and the instructions to the senators and representatives of that state accompanying the same, be received and entered on the journals.

The objection to this proposition was, that the wishes of the state of Tennessee were not addressed to the senate; and that the senate had no concern with the instructions of any state to particular members of that body. In reply to which argument, it was said, that the object of proposing an amendment to the constitution, was to bring it to the attention of congress, and that it could not be presented to congress, as the act of that state, in any other manner than that now proposed.

The question was finally decided by yeas and nays, as follows:

YEAS—Barbour, Campbell, Crittenden, Dickerson, Eppes, Fromentin, Iacock, Leake, Maccon, Morrow, Noble, Otis, Ruggles, Sanford, Stoke, Talbot, Taylor, Van Dyke, Williams Tennessee.—19.

NAYS—Ashmun, Bur-ll, Daggett, Gaillard, Goldborough, Horsey, Hunter, King, Morrill, Tait, Tichenor, Troup, Williams of Mississippi, Wilson.—14.

So the resolutions were received.

The several bills yesterday ordered to be engrossed for a third reading, were read a third time, passed and sent to the house for concurrence.

The bill concerning certain surviving revolutionary officers, and soldiers was, on motion of Mr. Otis, postponed to this day week.

Friday February, 6.

Remonstrance of North Carolina.

Mr. Stokes yesterday presented to the senate the representation and remonstrance of the legislature of North Carolina, in relation to the grants of that state, of land within the state of Tennessee; which was read, and referred to the committee to whom was referred the bill to enable the state of Tennessee to issue grants and perfect titles, &c.

Reservation of Public Lands, for Towns.

Mr. Williams of Miss. submitted the following resolution:

Resolved, That the committee on public lands be instructed to inquire into the expediency of providing by law for the reservation of such tracts of land within the several land districts of the United States, as may in the opinion of the president be suitable sites for the laying out and establishing towns; and for the sales of the lots therein.

Reservation of Land for Military Depot, &c.

Mr. Morrow, offered the following resolution for consideration:

Resolved, That the committee appointed on the memorial of the state of Tennessee respecting claims to lands in that state be instructed to inquire into the propriety of making a reservation of land for a military depot, armory, and foundery on the waters of Shoal Creek, in the state of Tennessee.

A resolution was offered by Mr. Wilson to instruct the committee on the judiciary to inquire what alterations are necessary, in the law for the promulgation of the laws of the United States.

A request from the house of representatives, was received for a conference on the disagreeing votes, respecting brevet extra pay, which was accepted, and Messrs. Williams of Tennessee, and Barbour, were appointed managers on the part of the senate.

The senate then went into executive business after which they

Adjourned to Monday.

Monday February, 9.

Persons of Color.

Mr. Goldsborough, from the committee to whom the subject was referred, reported a bill regulating the transportation of persons of color for sale, or to be held to labor, which was passed to a second reading.

The resolution of Mr. Wilson, of the 6th, respecting the promulgation of the acts of congress, was taken up and adopted.

The resolution of Mr. Williams, offered on the 6th instant, for the reservation of sites for towns, was also considered and adopted.

The resolution of Mr. Morrow, of the same date relative to the reservation for a military depot, was also adopted. After the postponement of some other business allotted for this day

The senate adjourned.

Tuesday, February 10.

The president communicated the annual report of the commissioners of the sinking fund.

The bill for the relief of major general Arthur St. Clair was received from the house of representatives, twice read by general consent and referred.

Mr. Morrow, from the committee of public lands, reported a bill supplementary to the act "further extending the time for issuing and locating military land warrants," which was read and passed to a second reading. [The bill is reported in blank.]

Mr. Ruggles submitted the following resolution for consideration:

Resolved, That the committee on military affairs be instructed to inquire into the expediency of making provision by law to compel a more prompt settlement of the accounts of the pay-masters, and quarter-masters of the late army.

Agreeably to notice given, by Mr. Barbour introduced by leave, a bill to promote the progress of the useful arts, and to repeal all the acts heretofore made for that purpose; which was read and passed to a second reading.

The motion respecting the Massachusetts claims for militia supplies and services, was, on motion of Mr. Otis, further postponed till to-morrow.

Connecticut Marble.

Mr. Daggett presented the memorial of the Milford (Connecticut) Marble Company, praying the imposition of a duty on the importation of foreign wrought marble.

[The Connecticut marble we learn is equal in every respect to any in the world.]

Mr. Lacock presented the memorial of the Philadelphia society for the promotion of American manufactures; praying further protection to domestic manufactures.

Adjourned.

Wednesday, Feb. 11.

The bill for the establishment of a separate territorial government, in the eastern part of the Mississippi territory, was reported without amendment. The bill for the relief of gen. St. Clair, was also reported without amendment, together with several other bills. The motion of yesterday, respecting the settlement of the accounts of the pay masters and quarter masters of the late army, was considered and agreed to.

The resolution respecting the examination of the militia claims of Massachusetts, was taken up and agreed to without debate.

A message was received from the President of the United States, by Mr. J. J. Monroe, transmitting copies of the reports, in relation to the surveys and examinations made by naval officers, in co-operation with officers of the corps of engineers.

The message yesterday presented in the house of representatives, was also received and read.

Several bills received their second reading; among which, the bill introduced by Mr. Barbour, "to promote the progress of useful arts, and to repeal the acts heretofore made for that purpose," which was committed to Messrs. Barbour, Daggett and King.

The proposition for amending the constitution so as to divide the states into districts, to choose electors of president and vice president of the United States, was taken up and debated, and postponed to Wednesday next.

HOUSE OF REPRESENTATIVES.

Thursday Feb. 5.—After the usual business, of a local nature the house resumed in committee of the whole the case of

Gen. Arthur St. Clair.

After some further debate the question was taken on Mr. Forsyth's motion to refer the settlement of the claim to the treasury department, and negatived by a large majority.

Mr. Clay then, after offering his reasons, moved an amendment to the bill, providing for placing Gen. St. Clair on the pension list, and allowing him an annual pension of _____ dollars, and moved to fill the blank with 600 dollars.

Mr. Harrison moved to fill the blank with the sum of 1,000, which, after two counts, was carried—ayes, 80, nays 73.

The question was taken on Mr. Clay's amend-

ment with the blank thus filled, and negative—ayes 63; noes 80.

Mr. Taylor of New York then moved an amendment directing the secretary of war to place Gen. St. Clair on the pension list, at the rate of — dollars per month, payable as other pensions are.

Mr. Harrison moved to insert, before the clause directing the annual pension, a provision for paying to Gen. St. Clair the sum of \$4,336 in full of his claim against the government.

This motion was negative, ayes 61, noes 88; and, the question recurring on Mr. Taylor's motion.

Mr. Palmer moved to fill the blank with fifty dollars as the monthly pension.

Mr. Perry moved eighty, which was negative, ayes 63, noes 78.

Mr. Sears proposed seventy-five dollars per month, which was also negative—ayes 57.

Mr. Harrison moved the sum of seventy, which was also lost—ayes 71, noes 77; and

The sum of sixty was eventually agreed to—75 to 71; and, this amended.

Mr. Taylor's amendment was adopted by a large majority; after an unsuccessful motion by Mr. Livermore, to make the pension to commence on the 4th of July instead of March.

The committee of the whole then rose, and reported the bill, as amended, to the house.

The house having taken up the report of the committee of the whole:

Mr. Taylor of New York, moved to strike out the sixty as the amount of the proposed monthly pension, and to insert fifty.

This motion was decided by yeas and nays, in the negative—yeas 73, nays 90.

Mr. Mercer then proposed an amendment, providing that Gen. St. Clair should receive for the remainder of his life the half of the full pay attached to the rank which he filled in the army at the close of the revolutionary war; and also proposed, as part of the amendment, a preamble to the bill, expressive of the high sense entertained by congress of the virtue and services, &c. of Gen. St. Clair.

This motion not being in order unless previously considered in a committee of the whole:

Mr. Mercer to attain his object, moved the recommitment of the bill to a committee of the whole house; which motion was rejected by a large majority, and the amendment with it of course.

Mr. Harrison made an unsuccessful attempt to revive the motion made in committee by Mr. Clay; and

The question was then taken on concurring with the report of the committee of the whole, granting a pension of sixty dollars a month, and decided in the affirmative, as follows:

YEAS—Messrs. Adams, Allen, Mass. Allen Vt. Anderson, Pa. Anderson, Baldwin, Ball, Barbour, Va. Batesman, Barry, Beecher, Bellinger, Bennett, Bloomfield, Bloant, Boss, Bryan, Butler, Campbell, Colston, Comstock, Cruger, Culbreth, Cushman, Drake, Earle, Elliott, Ervin S. C. Forney, Fuller, Gage, Garrett, Garrison, Hendricks, Herbert, Herkimer, Herrick, Hoister, Hitchcock, Holmes, Mass. Holmes, Con. Hubbard, Huntington, Irving, N. Y. Johnson Va. Johnson, Ken. Jones, Kinsey, Lewis, Little, Livermore, Lowder, Maine, W. Maclay, Marchand, Mason, Mass. Mercer, Middleton, Mills, Moore, Souley, Sumner, Murray, Mr. Nelson, H. Nelson, Nesbitt, Newton, Ogden, Ogle, Orr, Owen, Palmer, Parrott, Patterson, Pawling, Peter, Pindall, Pitkin, Pondexter, Porter, J. J. Jones, Reed, Rice, Rich, Rogers, D. Robertson, Con. Roberts, J. M. Rogers, Savage, Sergeant, Settle, Shert, Shaw, Sherwood, Stables, S. Smith, Ballard Smith, A. Smith, Spencer, Storm, Storer, Strother, Stuart of Maryland, Tall-

mudge, Tarr, Terrill, Terry, Trimble, Tucker, of Va. Tyler, Upham, Walker, N. C. Walker, of Ken. Wallace, Westlake, Westerlo, Whitende, Williams of Con. Williams of N. Y. Wilson, Wilson, Mass. Wilson, Penn.—122.
NAYS—Messrs. Abbott, Austin, Bassett, Boden, Burwell, Claiborne, Cobb, Cook, Crafts, Crawford, Decha, Edwards, Folger, Forsyth, Hale, Hall, of Del. Hall, of N. C. Harbrouck, Hoag, Hunter, Ingham, Lawyer, Linn, W. P. Maclay, McCoy, Merrill, Morton, T. M. Nelson, Rhea, Richards, Sampson, Sawyer, Seudder, Southard, Spangler, Speed, Taylor, Townsend, Tucker, of N. C. Williams, of N. C.—40.

Mr. Mercer then moved the following amendment, by way of preamble: "Whereas the congress of the United States entertain a high sense of the tried integrity, as well as of the civil and military virtue of Arthur St. Clair, late president of the congress, and commander in chief of the army of the United States, whom they learn, with regret, has been reduced, by misfortune, to extreme poverty."

This motion was negative—ayes 61, noes 81; and

The bill was ordered to be engrossed and read a third time to-morrow.

A message was received, by Mr. Secretary Cutts, announcing the insisting of the senate on their amendment to the military appropriation bill, on the subject of extra allowance to brevet officers in certain cases, which amendment had been disagreed to by the house of representatives.

The speaker laid before the house a letter from the secretary of the treasury transmitting, in compliance with a resolution of the house, the reports of the several boards of commissioners appointed for the settlement and adjustment of land claims in the state of Louisiana and territory of Missouri; and

The house adjourned.

Friday, February 6.

Indian Agents, &c.

Mr. Southard, from the committee on Indian affairs, to whom was referred the senate's bill directing the manner of appointing Indian agents, and continuing the act for establishing trading houses with the Indian tribes, reported the same without amendment; and it was referred to the committee of the whole, to whom was referred a bill previously reported by the same committee respecting the civilization and education of Indians.

Massachusetts Militia Claims.

The speaker laid before the house a letter from the secretary of war, stating that the report to this house from the war department, dated on the 20th February last, contains all the information to be found in that department, in relation to "the claims to the state of Massachusetts, for expenses of calling out the militia of that state during the late war, and the reasons why they have not been allowed;" which was read and ordered to lie on the table.

Correspondence with the Government of Spain.

On motion of Mr. Forsyth, it was

Resolved, That the President of the United States be requested (if in his opinion not inconsistent with the public interest) to lay before this house the correspondence with the government of Spain, to which the letter* of George W. Erving the American minister near that court, of the 25th of October, 1816, communicated with his message of the 29th January, 1818, refers, and any subsequent correspondence between the two governments on the same subject.

* The letter referred to, will be published in our next number.

The bill from the senate in addition to the navy pension act, was also twice read and committed.

The house took up the senate's message, insisting on their amendment to the military appropriation bill, (respecting brevet pay) and agreed to insist on its disagreement thereto; and to ask of the senate a conference thereon: to manage which conference on the part of this house, Messrs. Lowndes, Smith of Md. and Pitkin, were appointed.

The engrossed bill for the relief of major general Arthur St. Clair, was read a third time, passed and sent to the senate for concurrence.

A message was received from the President of the United States by Mr. J. J. Monroe, his secretary, transmitting a report of the secretary of state, in compliance with a resolution of this house, requesting information respecting the ratification by the states of an article which is printed in some late copies of the constitution, but which it appears, has not yet officially received the sanction of three fourths of the states in the Union.

[The substance of the report is that the 13th article to the amendments to the constitution of the United States has been ratified as follows, viz

1 Maryland, on	25 Dec. 1810.
2 Kentucky,	31 Jan. 1811.
3 Ohio,	do
4 Delaware,	2 Feb. 1811.
5 Pennsylvania,	6 Feb. 1811.
6 New-Jersey,	13 Feb. 1811.
7 Vermont,	24 Oct. 1811.
8 Tennessee,	21 Nov. 1811.
9 Georgia,	13 Dec. 1811.
10 North Carolina,	23 Dec. 1811.
11 Massachusetts,	27 Feb. 1812.
12 New-Hampshire,	10 Dec. 1812.
Objected by	13 New York,
	12 Mar. 1811.
	14 Rhode Island,
	15 Dec. 1814.
	15 Connecticut,
Uncertain	16 South Carolina,
	17 Virginia,

The secretary of state, in the course of last month, addressed a letter to the governor of Virginia, and to the governor of South Carolina, requesting information as to any final decision by those states in relation to this amendment, but had not received answers thereto on the 3d instant.]

The report lies on the table.

Reduction of the Army, &c.

The house then spent some time in committee of the whole on Mr. J. Ineson's resolutions respecting a reduction of the army, the establishment of military academies, a corps of invalids, &c; and, after some debate, the committee rose, reported progress, and obtained leave to sit again.

A motion was made by Mr. Storrs and adopted by the house, calling on the secretary of war for a statement of balances due from persons heretofore acting in the quarter-master's and pay-master's department.

Adjourned to Monday.

Monday February, 9.

Duties on Imports and Tonnage.

Mr. Newton, from the committee of commerce and manufactures, reported a bill "to continue in force, from and after the 30th of June, 1819, until the 31st of June, 1826, the fourth paragraph of the first section of the act "to regulate the duties on imports and tonnage;" which was twice read and committed.

Duties on Iron, &c.

Mr. Newton, also reported a bill "to increase the duties on iron in bars and bolts, iron in pigs, castings, nails and allum; and to disallow the drawback of duties on the exportation of gunpowder. [The duties to be substituted for those now existing are, on iron pigs, fifty cents per hundred weight, on iron castings, 75 cents per cwt. on nails four cents per pound, on iron in bars and bolts excepting iron manufactured by rolling, one dollar per hundred weight; and on allum, two dollars per hundred weight.] The bill was twice read and committed.

The Sinking Fund.

The speaker laid before the house, the annual report of the commissioners of the sinking fund, by which it appears that the amount of the public debt on the first day of the present year was \$99,004,800.51.

A report was received from the secretary of war, in pursuance of a resolution of this house, transmitting a statement of the accounts of major general Arthur St. Clair with the government.

Adjourned on account of the intense coldness of the weather.

Tuesday, February 10.

After the usual business on individual claims &c. The following message was received from the president of the United States.

The President's House.

To the Senate and House of Representatives of the United States.

As the house appropriated for the president of the United States will be finished this year, it is thought to merit the attention of congress in what manner it should be furnished, and what measures ought to be adopted for the safe keeping of the furniture in future. All the public furniture provided before 1814, having been destroyed with the public building in that year, and little afterwards procured, owing to the inadequacy of the appropriation, it has become necessary to provide almost every article requisite for such an establishment; whence, the sum to be expended will be much greater than at any former period. The furniture, in its kind and extent, is thought to be an object not less deserving attention than the building for which it is intended. Both being national objects, each seems to have an equal claim to legislative sanction. The disbursement of the public money, too, ought, it is presumed, to be in like manner provided for by law. The person who may happen to be placed, by the suffrage of his fellow-citizens, in this high trust, having no personal interest in these concerns should be exempted from undue responsibility respecting them.

For a building so extensive, intended for a purpose exclusively national, in which, in the furniture provided for it, a multiplied regard is due to the simplicity and purity of our institutions, and to the character of the people who are represented in it, the sum already appropriated has proved altogether inadequate. The present is, therefore, a proper time for congress to take the subject into consideration, with a view to all the objects claiming attention, and to regulate it by law. On a knowledge of the furniture procured, and the sum expended for it, a just estimate may be formed, regarding the extent of the building,

of what will still be wanting to furnish the house. Many of the articles being of a durable nature, may be handed down through a long series of service; and being of great value, such as plate, ought not to be left altogether, and at all times, to the care of servants alone. It seems to be advisable that a public agent should be charged with it during the occasional absence of the president, and have authority to transfer it from one president to another, and likewise to make reports of occasional deficiencies, as the basis on which further provision should be made.

It may also merit consideration, whether it may not be proper to commit the care of the public buildings particularly the president's house and the capitol, with the grounds belonging to them, including likewise the furniture of the latter, in a more especial manner, to a public agent. Hitherto the charge of this valuable property seems to have been connected with the structure of the buildings, and committed to those employed in it. This guard will necessarily cease when the buildings are finished, at which time the interest in them will be proportionably augmented. It is presumed that this trust is, in a certain degree at least, incidental to the other duties of the superintendent of the public buildings, but it may merit consideration whether it will not be proper to charge him with it more explicitly, and to give him authority to employ one or more persons under him, for these purposes.

JAMES MONROE.

Washington, Feb. 10, 1818.

The message was read and referred to the committee of the whole to whom is referred the bill to provide for erecting additional buildings for the accommodation of these several executive departments.

Mr. Robertson, of Louisiana, from the committee on public lands, reported a bill supplementary to the several acts for the adjustment of land claims, in the state of Louisiana and territory of Missouri.

It was resolved, on motion of Mr. Hopkinson, to instruct the committee upon the judiciary to inquire into the expediency of increasing the salaries of the judges of the supreme court of the United States.

Pensions to Soldier's Widows, &c.

The house resolved itself into a committee of the whole, Mr. Smyth in the chair, on the bill "concerning half pay pensions, &c. and for other purposes."

The first section of the bill goes to equalize the pensions allowed for services in the revolutionary and late war, and to assimilate the mode of paying them.

A motion which was under consideration when this subject was before the house on Friday last, to amend the bill having been agreed to—

Mr. Burwell, moved to strike out the second section of the bill which is in the following words:

"That in all cases where provision has been made by law for five years' half pay to the widows and children of officers and soldiers who were killed in battle or who died of wounds received in battle, or who died in the military service of the United States, during the late war, the said provision shall be continued for the additional term of five years, to commence at the end of the first term of five years in each case respectively, making the provision equal to ten years half pay."

This motion was opposed by Mr. Johnson of Ky. Mr. Walker of N. C. and Mr. Southard, and was supported by Mr. Livermore. It was negatived, ultimately, by a considerable majority.

Mr. Hitchcock, moved to amend the section so as to extend the continuation of the pension to motherless children of deceased soldiers under sixteen years of age, as well as to the widows.

This motion was negatived.

The third section is in the following words:

"That in all cases where any soldier of the regular army shall have died while in the service of the United States, in the late war, or in returning home from said service, leaving a widow, such widow shall be entitled to receive the sum of forty-eight dollars annually for the term of five years as a half pay pension; and in case of the death or intermarriage of said widow, before the expiration of the term of five years from the death of the husband aforesaid, the half pay for the remainder of the term shall cease."

Mr. Pindall, moved to strike out of this section the words "or intermarriage," which motion was supported by the mover and Mr. Taylor, and opposed by Mr. Johnson, Mr. Harrison, and Mr. T. M. Nelson. Mr. Smith of Maryland, also joined in the debate on the general merits of the bill, to which he was opposed.

Mr. T. M. Nelson moved to amend this section so as that the pensions to be granted by it should take date from the fourth day of March last.—Negatived.

Mr. Cobb, moved to strike out the above section from the bill; which motion was supported by himself, and opposed by Mr. Harrison, and was negatived by a very small majority.

The fourth section is in the following words:

"That in all cases of half pay pensions, embraced by this act, and all other acts of congress making provision for half pay pensions, the same shall extend to all cases where the party died within six months after his return home, of diseases contracted in the service during the late war with Great Britain."

Mr. Linn, moved to strike out this section; which motion was opposed by Mr. Barbour, and Mr. Comstock, and was negatived by a large majority.

Other amendments were proposed and variously decided, on which, as well as those already noted, considerable desultory debate took place.

The fifth section of the bill provides that the widow of any officer or soldier killed in battle or who died in service during the revolutionary war shall have a pension, if of a soldier, of 48 dollars per annum, if of an officer, of 100 dollars per annum.

The sixth section provides that in all cases where an indigent mother has lost her son in battle, if he has left no widow or children, she shall receive a pension of 48 dollars per annum for five years.

After having gone through the details, the committee rose and reported the bill to the house.

Adjourned.

Wednesday, Feb. 11.

After the transaction of some business of individual interest, Mr. Mills made a motion to instruct the committee of ways and means to inquire into the expediency of exempting from duty Sicilian sunac and merino wool, imported into the United States.

The speaker laid before the house a letter from the secretary of war, transmitting a report, in obe-

dience to a resolution of the house, concerning contracts for the supply of fire arms, the supplies at each of the national armories, and the number, species and quality of arms manufactured and repaired at said armories.

The bill for the remission of duties on stereotype plates and upon bibles and testaments in foreign languages, imported by bible societies, was, on motion, recommitted to a committee of the whole house.

Pensions to Soldiers' Widows.

The house then took up the report of the committee of the whole on the bill concerning half pay pensions, &c. and agreed, successively to all the amendments thereto reported by the committee.

Mr. Harrison then moved to strike out the 3d section of the bill, which provides, "that in all cases where any soldier of the regular army shall have died while in the service of the United States, in the late war, or in returning home from said service, leaving a widow, such widow shall be entitled to receive the sum of forty-eight dollars annually, for the term of five years, as a half pay pension; and in case of the death or intermarriage of said widow, before the expiration of the term of five years from the death of the husband aforesaid, the half-pay for the remainder of the term shall cease;" which motion Mr. H. subsequently withdrew; when

Mr. Colston renewed the motion to expunge the section; on which considerable debate took place.

The motion was supported by Messrs. Moore, of Pennsylvania, and Colston, and opposed by Messrs. Taylor, of New York, Holmes of Massachusetts, Spencer, Comstock, Ogle, Walker, of North Carolina, T. M. Nelson, Johnson of Kentucky, and Harrison, and finally negatived by the following vote:

For striking out the section—Messrs. Abbott, Adams, Ball, Barbour, Vt. Bateman, Blount, Bos, Burwell, Campbell, Cobb, Col. S. Dosh, Edwards, Forsyth, Garnett, Hall of N. C. Hasbrouck, Hendricks, Hogg, Holmes of Con. Hopkinson, Huntington, W. Maclay, W. P. Maclay, M'Coy, Marchand, Marr, Moore, Orr, Owen, Pitkin, Quarles, Rhea, Seudder, Stocum, B. Smith, J. S. Smith, Stewart N. C. Storrs, Tarr, Terrell, Terry, Townsend, Trimble, Tucker of Va. Tyler, Westerlo, Williams, of Con. Williams of N. C.—48.

Against striking it out—Messrs. Allen of Vt. Anderson of Pen. Anderson of Ken. Barber Ohio, Bayley, Beecher, Belling, Bennett, Bloomfield, Bryan, Butler, Clagett, Claiborne, Comstock, Crafts, Cruger, Culbreth, Cushman, Darlington, Earle, Elliott, Ervin, of S. C. Floyd, Folger, Forney, Fuller, Gage, Hall of Del. Harrison, Herbert, Herkimer, Hitchcock, Holmes of Mass. Hubbard, Hunter, Irving of N. Y. Johnson of Ky. Kinsey, Kirtland, Lawyer, Linn, Little, Lowndes, McLane, Mason, Massa, Mercer, Merrill, Middleton, Morton, Mosley, Mumford, Murray, Jer. Nelson, T. M. Nelson, New, Newton, Ogden, Ogle, Palmer, Parr, Patterson, Peter, Pindall, Poindexter, Porter, Reed, Rich, Richards, Ringgold, Robertson, of Lou. Ruggles, Sampson, Savage, Sawyer, Sergeant, Settle, Seybert, Sherwood, Siblee, Simpkins, Southard, Spencer, Strong, Stuart of Md. Tallmadge, Taylor, Tompkins, Tucker of S. C. Upham, Walker, N. C. Walker of Ken. Wallace, Wendover, Whiteside, Whitman, Williams of N. Y. Wilkin, Wilson of Pen.—99.

Mr. Harrison then moved to amend the section, by making the pension commence from the first of March, 1817, instead of from the death of the husband; on the ground that it would be more beneficial to the widow and more convenient to the treasury to pay the five years' pension gradually, than in a gross sum, which would be payable under the section as it stood.

This motion was negatived—ayes 44.

Mr. Hitchcock proposed so to amend the bill, as to confine the pensions to the widows of such soldiers as enlisted prior to the 10th of Decem-

ber, 1814; which motion was agreed to without opposition.

The question was then taken on ordering the bill to be engrossed and read a third time, and decided in the negative, as follows:

YEAS—Messrs. Anderson Ken. Barber Ohio, Beecher Belling, Bloomfield, Bryan, Butler, Campbell, Colston, Comstock, Cruger, Culbreth, Earle, Elliott, Ervin S. C. Floyd, Forney, Fuller, Gage, Harrison, Hendricks, Herkimer, Hitchcock, Holmes Mass. Hunter, Irving N. Y. Johnson Ken. Kinsey, Lawyer, Little, Marr, Mason Mass. Mercer, Mosley, Murray, T. M. Nelson, New, Ogle, Palmer, Parr, Patterson, Pindall, Porter, Quarles, Reed, Ringgold, Robertson of Lou. Siblee, Simpkins, Ballard Smith, Southard, Spencer, Stuart Md. Tallmadge, Trimble Tucker S. C. Walker, N. C. Walker Ken. Wallace, Wendover, Whiteside, Whitman, Williams N. Y. Wilkin.—65.

NAYS—Messrs. Abbott, Adams, Allen, Mass. Allen Vt. Ball, Barbour Va. Bateman, Bayley, Bennett, Blount, Bos, Burwell, Claiborne, Cobb, Crafts, Cushman, Darlington, Dasha, Drake, Edwards, Folger, Forsyth, Garnett, Hink, Hall Del. Hall N. C. Hasbrouck, Hogg, Holmes Con. Hopkinson, Huntington, Kirtland, Linn, Lavernmore, Lowndes, McLane, W. Maclay, W. P. Maclay, M'Coy, Marchand, Moore, Morton, Mumford, Jer. Nelson, Ogden, Orr, Owen, Pitkin, Poindexter, Rhea, Rich, Richards, Robertson Ken. Ruggles, Savage, Seudder, Sergeant, Settle, Seybert, Shaw, Sherwood, Stocum, J. S. Smith, Stewart, N. C. Storrs, Strong, Tarr, Taylor, Terrell, Terry, Townsend, Tucker Va. Tyler, Upham, Westerlo, Williams, Con. Williams N. C. Wilson Pen.—79.

So the bill was rejected.

Mr. Storrs, under a belief that t' bill had been rejected from a dislike to the 3d section or some other feature, and that, divested of the objectionable provisions, the bill would pass, moved to reconsider the vote just taken, that the bill might be modified and rendered acceptable to the house.

This motion, after some discussion, was negatived—ayes 53, nays 86. Adjourned.

EDITOR'S CABINET.

CONTAMPT.

We give in this day's Register extracts from Junius on the privileges of the house of commons of England. The case which produced the exercise of these pretended privileges, although different from that of colonel Anderson, has yet an equal bearing as to the principle of right and justice in the house of commons of England or the house of representatives of America exercising a power of their own creation—undefined and ungranted; and which, if admitted by us to exist in one shape to-day may assume another to-morrow, and from stride to stride may at last trample under foot that which they are bound to guard; and under the cloak of protecting their own rights and persons, invade our boasted inheritance, the rights of the people.

The case on which Junius comments is thus stated by the editor or compiler of his letters and other writings:

"The printers of newspapers having long intended it, now resolutely determined to report the debates of both houses, Col. Onslow made a motion against them as guilty of a violation of the privileges of parliament: and the printers were summoned to attend: Wheble and Miller however refused to obey the order; and the minister thought proper to issue a proclamation in his majesty's name, and insert it in the Gazette, offering a reward of fifty pounds for apprehending John Wheble, printer of the Middlesex Journal, and John Miller, printer of the London Evening Post, for daring to publish certain speeches delivered

in parliament. In consequence of this proclamation they were both apprehended; Wheble by a brother-printer of the name of Carpenter, who owed him a grudge, and Miller by William Whitman, a messenger of the house of commons. The former was carried before Mr. Wilkes, at that time just liberated from the king's bench, and, as alderman for Farringdon without, sitting-magistrate at Guildhall; who denying the legal authority of a mere proclamation, discharged Wheble, and took a recognizance of him to prosecute Carpenter for an assault and unlawful imprisonment. Miller upon his arrest sent for a constable, to whom he gave charge of the messenger who arrested him, and immediately carried him to the mansion-house, where the lord-mayor, Mr. Alderman Wilkes and Mr. Alderman Oliver jointly heard the cause, discharged Miller, and signed a warrant of commitment of the messenger to the compter for the assault and false imprisonment: from which however he was released upon finding bail. Wilkes at the same time that these transactions were officially entered by the lord mayor's clerk into the mansion-house rate book, addressed a letter to lord Halifax, one of the secretaries of state, informing him of the steps he had taken.

"All was confusion and uproar. The house of commons supported the legality of the proclamation: issued an order to prohibit every kind of prosecution or suit from being commenced or carried on for or on account of the assault and imprisonment of the printers; ordered the clerk to attend who had entered the proceedings in the mansion-house minute book; erased the entire record; and summoned the different aldermen who had officiated to appear at the bar of the house to answer for their conduct.

"The city first of all, and afterwards the nation at large, was extremely indignant at such illegal violence. The lord mayor's clerk was severely reprimanded at a general court of aldermen for suffering the city minute book to be mutilated; the bill of rights society complained vehemently against the outrages committed; Wilkes refused to obey the summons for his attendance, and the lord mayor and his other colleagues upon attending and justifying their conduct were committed to the tower, for pretended contumacy.

"It is not necessary at this time to enter into the question of the legality or illegality of the power claimed in this instance by the house of commons, under the specious name of parliamentary privilege. They virtually admitted themselves to have erred, by their subsequent conduct towards Mr. Wilkes; who, though by far the most culpable of the whole, (admitting culpability of any kind) was suffered to remain unmolested, except by serving him with three successive summonses to appear at the bar of the house, every one of which he contemptuously refused to obey, unless the house would suffer him to take his place as a member for Middlesex. The result of the contest has terminated favorably for the public, who have ever since been put into possession of the debates of both houses, through the medium of newspaper reporters."

"The persons, who, till within these few years, have been most distinguished by their zeal for high church and prerogative, are now, it seems, the great asserters of the privileges of the house of commons. This sudden alteration of their sentiments or language carries with it a suspicious appearance. When I hear the undefined privileges of the popular branch of the legislature exalted by tories and jacobites, at the expense of those strict rights, which are known to the subject and limited by the laws, I cannot but suspect that some mischievous scheme is in agitation, to destroy both law and privilege, by opposing them to each other. They who have uniformly denied the power of the whole legislature to alter the descent of the crown, and whose ancestors, in rebellion against his majesty's family, have defended that doctrine at the hazard of their lives, now tell us that privilege of parliament is the only rule of right, and the chief security of the public free-

dom. I fear, sir, that, while forms remain, there has been some material change in the substance of our constitution. The opinions of these men were too absurd to be so easily renounced. Liberal minds are always open to conviction. Liberal doctrines are capable of improvement. There are proselytes from Atheism, but none from superstition. If their present professions were sincere, I think they could not be but highly offended at a question, concerning parliamentary privilege, unnecessarily started at a season so unfavorable to the house of commons, and by so very mean and insignificant a person as the minor Oastlow. They knew that the present house of commons, having commenced hostilities with the people, and degraded the authority of the laws by their own example, were likely enough to be resisted, *per sua et nefas*. If they were really friends to privilege, they would have thought the question of right too dangerous to be hazarded at this season, and without the formality of a convention, would have left it undecided.

"I have been silent hitherto, though not from that shameful indifference about the interests of society, which too many of us profess, and call moderation. I confess, sir, that I felt the prejudices of my education, in favor of a house of commons, still hanging about me. I thought that a question between law and privilege could never be brought to a formal decision, without inconvenience to the public service, or a manifest diminution of legal liberty; that it ought, therefore, to be carefully avoided: and when I saw that the violence of the house of commons had carried them too far to retreat, I determined not to deliver a hasty opinion upon a matter of so much delicacy and importance.

"The state of things is much altered in this country, since it was necessary to protect our representatives against the direct power of the crown. We have nothing to apprehend from prerogative, but every thing from undue influence. Formerly it was the interest of the people, that the privileges of parliament should be left unlimited and undefined. At present it is not only their interest, but I hold it to be essentially necessary to the preservation of the constitution, that the privileges of parliament should be strictly ascertained, and confined within the narrowest bounds the nature of their institution will admit of. Upon the same principle, on which I would have resisted prerogative in the last century, I now resist privilege. It is indifferent to me, whether the crown, by its own immediate act, imposes new, and dispenses with old laws, or whether the same arbitrary power produces the same effects through the medium of the house of commons. We trusted our representatives with privileges for their own defence and ours. We cannot hinder their desertion, but we can prevent their carrying over their arms to the service of the enemy. It will be said that I begin with endeavoring to reduce the argument concerning privilege to a mere question of convenience; that I deny at one moment what I would allow at another; and that to resist the power of a prostituted house of commons may establish a precedent injurious to all future parliaments. To this I answer generally, that human affairs are in no instance governed by strict positive right. If change of circumstances were to have no weight in directing our conduct and opinions, the mutual intercourse of mankind would be nothing more than a contention between

positive and equitable right. Society would be a state of war, and law itself would be injustice.—On this general ground it is highly reasonable, that the degree of our submission to privileges, which have never been defined by any positive law, should be considered as a question of convenience, and proportioned to the confidence we repose in the integrity of our representatives. As to the injury we may do to any future and more respectable house of commons, I own I am not sanguine enough to expect a more plentiful harvest of parliamentary virtue in one year than another. Our political climate is severely altered; and, without dwelling upon the depravity of modern times, I think no reasonable man will expect that, as human nature is constituted, the enormous influence of a crown should cease to prevail over the virtue of individuals. The mischief lies too deep to be cured by any remedy, less than some great convulsion, which may either carry back the constitution to its original principles, or utterly destroy it. I do not doubt that, in the first session after the next election, some popular measures may be adopted. The present house of commons have injured themselves by a too early and public profession of their principles; and if a strain of prostitution, which had no example, were within the reach of emulation, it might be imprudent to hazard the experiment too soon. But after all, sir, it is very immaterial whether a house of commons shall preserve their virtue for a week, a month, or a year. The influence which makes a septennial parliament dependent upon the pleasure of the crown, has a permanent operation, and cannot fail of success. My premises, I know, will be denied in argument, but every man's conscience tells him they are true. It remains then to be considered, whether it be for the interest of the people that privilege of parliament (which, in respect to the purposes, for which it has hitherto been acquiesced under, is merely nominal) should be contracted within some certain limits, or whether the subject shall be left at the mercy of a power, arbitrary upon the face of it, and notoriously under the direction of the crown.

"I do not mean to decline the question of right. On the contrary, sir, I join issue with the advocates for privilege, and affirm that, 'excepting the cases, wherein the house of commons are a court of judicature, [to which, from the nature of their office, a coercive power must belong,] and excepting such contempts as immediately interrupt their proceedings, they have no legal authority to imprison any man for any supposed violation of privilege whatsoever.' It is not pretended that privilege, as now claimed, has ever been defined or confirmed by statute; neither can it be said, with any colour of truth, to be a part of the common law of England, which had grown into prescription, long before we knew any thing of the existence of a house of commons. As for the law of parliament it is only another name for the privilege in question; and since the power of creating new privileges has been formally renounced by both houses—since there is no code, in which we can study the law of parliament, we have but one way left to make ourselves acquainted with it; that is, to compare the nature of the institution of a house of commons, with the facts upon record. To establish a claim of privilege in either house, and to distinguish original right from usurpation, it must appear that it is indispensably necessary for the performance of the duty

they are employed in, and also that it has been uniformly allowed. From the first part of this description it follows clearly, that whatever privilege does of right belong to the present house of commons, did equally belong to the first assembly of their predecessors, was as completely vested in them, and might have been exercised in the same extent. From the second we must infer that privileges, which, for several centuries, were not only never allowed, but never even claimed by the house of commons, must be founded upon usurpation. The constitutional duties of a house of commons, are not very complicated nor mysterious. They are to propose or assent to wholesome laws for the benefit of the nation. They are to grant the necessary aids to the king—petition for the redress of grievances, and prosecute treason or high crimes against the state. If unlimited privilege be necessary to the performance of these duties, we have reason to conclude that, for many centuries after the institution of the house of commons, they were never performed. I am not bound to prove a negative, but I appeal to the English history when I affirm that, with the exceptions already stated, (which yet I might safely relinquish) there is no precedent, from the year 1265 to the death of queen Elizabeth, of the house of commons having imprisoned any man (not a member of their house) for contempt or breach of privilege. In the most flagrant cases, and when their acknowledged privileges were most grossly violated, the *poor commons*, as they then styled themselves, never took the power of punishment into their own hands. They either sought redress by petition to the king, or, what is more remarkable, applied for justice to the house of lords; and when satisfaction was denied them or delayed, their only remedy was to refuse proceeding upon the king's business. So little conception had our ancestors of the monstrous doctrines, now maintained, concerning privilege, that in the reign of Elizabeth, even liberty of speech, the vital principle of a deliberate assembly, was restrained, by the queen's authority, to a simple *aye* or *no*, and this restriction, though imposed upon three successive parliaments, was never once disputed by the house of commons.

"I know there are many precedents of arbitrary commitments for contempt. But, besides that they are of two modern date to warrant a presumption that such a power was originally vested in the house of commons—Fact alone does not constitute Right. If it does, general warrants were lawful. An ordinance of the two houses has a force equal to law; and the criminal jurisdiction assumed by the commons in 1621, in the case of Edward Lloyd is a good precedent, to warrant the like proceedings against any man, who shall unadvisedly mention the folly of a king, or the ambition of a princess. The truth is, sir, that the greatest and most exceptionable part of the privileges now contended for, were introduced and asserted by a house of commons which abolished both monarchy and peerage, and whose proceedings, although they ended in one glorious act of substantial justice, could no way be reconciled to the forms of the constitution. Their successors profited by the example, and confirmed their power by a moderate or a popular use of it. Thus it grew by degrees, from a notorious innovation at one period, to be tacitly admitted as the privilege of parliament at another.

"If, however, it could be proved, from consid-

rations of necessity or convenience, that an unlimited power of commitment ought to be intrusted to the house of commons, and that *in fact* they have exercised it without opposition, still, in contemplation of law, the presumption is strongly against them. It is a leading maxim of the laws of England (and without it all laws are nugatory) that there is no right without a remedy, nor any legal power without a legal course to carry it into effect. Let the power, now in question, be tried by this rule. The speaker issues his warrant of attachment. The party attached either resists force with force, or appeals to a magistrate, who declares the warrant illegal, and discharges the prisoner. Does the law provide no legal means for enforcing a legal warrant? Is there no regular proceeding pointed out in our law books to assert and vindicate the authority of so high a court as the house of commons? The question is answered directly by the fact. Their unlawful commands are resisted, and they have no remedy. The imprisonment of their own members is revenge indeed, but it is no assertion of the privilege they contend for. Their whole proceeding stops, and there they stand, ashamed to retreat, unable to advance. Sir, these ignorant men should be informed that the execution of the laws of England is not left in this uncertain, defenceless condition. If the process of the courts of Westminster-hall be resisted, they have a direct course, sufficient to enforce submission. The court of king's bench commands the sheriff to raise the *posse comitatus*. The courts of chancery and exchequer issue a writ of rebellion, which must also be supported, if necessary, by the power of the county. To whom will our honest representatives direct their writ of rebellion? The guards, I doubt not, are willing enough to be employed, but they know nothing of the doctrine of writs, and may think it necessary to wait for a letter from lord Barrington.

"It may now be objected to me, that my arguments prove too much; for that certainly there may be instances of contempt & insult to the house of commons, which do not fall within my own exceptions; yet, in regard to the dignity of the house, ought not to pass unpunished. Be it so.—The courts of criminal jurisdiction are open to prosecutions, which the attorney general may commence by information or indictment. A libel, tending to asperse or vilify the house of commons, or any of their members, may be as severely punished in the court of king's bench, as a libel upon the king. Mr. De Grey thought so, when he drew up the information upon my letter to his majesty, or he had no meaning in charging it to be a scandalous libel upon the house of commons. In my opinion, they would consult their real dignity much better, by appealing to the laws when they are offended, than by violating the first principles of natural justice, which forbids us to be judges, when we are parties to the cause."

We feel proud in adducing the arguments of a writer, so justly celebrated as Junius, in confirmation of that doctrine we shall ever maintain, that the house of representatives possess no such power as they pretend to; which, in defiance of their oaths while taking their seats in that house they have twice assumed; for even honorable men as we must suppose them, yet are they not considered so honorable, as to be trusted with the liber-

ties of the people, and to legislate for them without first taking an oath that they will maintain the constitution, and do nothing in violation thereof.

We might even rest this case on the very writings of the immortal man we have just quoted, confident that there would be few who would be bold enough, even at this day, to enter into the lists and combat the *living* arguments of the now silent Junius—but the point which we contend for, the non-possession of privilege by the house of representatives to punish for any thing they may consider or vote as being a contempt, stands even upon firmer and more solid grounds than that which Junius, at his day, maintained was not belonging to the English house of commons. The constitution of England is no where to be found but in the acts of parliament. The constitution of the United States is a written instrument, which defines all the powers granted to the legislative, executive and judiciary.

The privileges of the British house of commons are not defined; those of the house of representatives are enumerated, and the "enumeration of powers," as we have before quoted from lord Bacon, "weakens law in cases not enumerated."

The British house of commons, if any thing could be right which was in violation of the rights of the people, would have more of right, or rather of law of their side, by an hundred fold, than the representatives of the American people; for the one, viz. the British parliament, are left unrestricted. They are assembled "to propose or assent to laws, to grant aids to the king, to petition for the redress of grievances, and to prosecute treason or crimes against the state." In doing this they may consider it but safe to invest themselves with privileges; there is nothing which says they shall or shall not do this; while the constitution in defining the duties of congress, enumerates its powers and its privileges, and thus enumerating, restricts and limits them.

But after all that has been said in support of the privileges of the house by those who would "dress themselves in a little brief authority," let us only look at what a ridiculous authority it is when even in their possession. What can they make of it—and how can they punish. They have twice assumed the power and twice have they attempted to punish what they call a *heinous* crime and a contempt offered them. In both cases they have reprimanded. Is this then their only punishment for an *heinous* offence, and an insult to their dignity? or are they the most merciful and forgiving of tribunals? If in our halls of justice, if under the law of our courts, our judges possessed no greater power to punish for heinous crimes than what is contained in a reprimand, it would be time for every man to hold fast his pockets, and God help

the throats of the rich. No, the conclusion is ridiculous—the power assumed by congress is a mere *abortion*; it is a species of mock majesty, which pretends to try and punish but does not know which way to come at it. It has arrested, that is certain; and what is more, it has put one man in *boistly fear*—and that man, if those who know him best speak true, and they are honorable men and soldiers, is a man of gallantry and true bravery, and has shewn himself so when others quaked and trembled. He, however, quaked for his reputation, which, without due consideration, he was led to believe the house could cover with ignominy. The power of arresting and alarming, therefore, may be considered, all that they do possess, even under assumption or usurpation, for if they do possess the power of trying and punishing they appear to have *serious doubts* about the policy of putting it into practice.

Suppose the house of representatives had decided that John Anderson should be executed, how would they have carried such a sentence into execution, unless they had turned executioners themselves? Where is the magistrate who would have permitted such execution? where is the citizen who would not have cut the cord?

If they have the power to try and punish in one manner, they certainly must, by every fair deduction, have the power to try and punish in another; that is, if they can assume the right to arrest, try and punish—a right not granted to them by the people—their punishment may be whatever they decide as fit and agreeable to their feelings. There is no law in this case. The crime is either great or small, according to the pulse of the honorable gentlemen offended; but we would ask the question, who would be Jack Ketch if they attempted to hang a citizen by their court of inquisition? He who should fall under their displeasure, could not, by any known or defined law, be delivered over to the marshal or the sheriff.

We should like to know how such a case would stand with the people; or whether after such a demonstration of privileges, there might not be another which might make *swinging* quite an American amusement.

Gen. Jackson and the Indians.—We learn from the Nashville *Clarion*, that gen. Jackson in obedience to an order to take the command of the troops collected by gen. Gaines, to punish the Seminole Indians, and to take into service 1000 volunteers, had his ranks full on the 15th Jan. when the general took up the line of march. It is conjectured, continues that paper, that Pensacola is the ultimate object of the expedition.—Gen. Jackson, supported by the very Tennessee mounted riflemen who before gave the Dons some

schooling in Pensacola, will soon avenge the death of Scott and his companions.

United States' brig *Baxer*.—The court of inquiry appointed to inquire into the loss of this vessel, have decided, that no blame can be attached to Lieut. Com. John Porter, or to either of his officers or crew, in consequence of the loss of said brig. The decision has been approved by the secretary of the navy.

The ship *Elizabeth* arrived at New York on the 8th inst. her commander, capt. Adams, we understand, brought despatches from Mr. Irving, our minister at Madrid, to the secretary of state.

SWEDISH AND NORWEGIAN CONSULATE,

New York, Feb. 9th, 1818.

The following official information, dated Stockholm, November 25th, 1817, is communicated as interesting to the public, viz:—

A Dutch ship, carrying about five hundred German emigrants, for America, was some time ago stranded in the vicinity of Bergen, in Norway, after having been entirely dismasted, and having, in that situation, been tossed about, at the mercy of the waves, for nearly three weeks.—This disaster was no sooner made known to his majesty, than an officer in waiting of his royal highness the crown prince, was despatched with orders to the respective authorities, to do every thing in their power for the relief of the passengers and crew; and measures have been adopted for clothing and maintaining them during the winter.

Captain Lane, of the brig *Franklin*, in 35 days from St. Martha, informs us, that the patriots were carrying all before them to the windward. About the 26th December, the patriot troops, four to six thousand strong, were within a day's march of the city of Santa Fee, which was garrisoned by only about 200 royalists, and they in a sickly state.

About the same time, a fleet of ten sail, said to be commanded by admiral lord Cochrane, came to the mouth of the harbor of St. Martha, and then stood to the westward for Carthagena, for the purpose as was supposed of blockading that port.

Flour at St. Martha, \$26. No sale for other American produce.

Captain Grant, of the sloop *Concordia*, who arrived at Newport on the 30th inst. informs that a new duty of 50 cts. per ton, will be imposed on American vessels at Guadaloupe, after the 1st of Jan. Vessels in port not excepted.

The ship *Nester* arrived at N. York the 5th inst. 38 days from Liverpool, we learn that the *Franklin* 74 with our minister Mr. AUSA and suit on board arrived at Portsmouth on the 16th December, Mr. Rush arrived in London on the 18th. A London paper says the American ship of war *Franklin*, of 74 guns, the first of that class that has been seen in a British port, bearing the broad pendant of commodore Stuart, and commanded by captain Ballard. This ship is allowed to be the finest vessel of her class ever built in America. Her burthen is 2,500 tons. She will proceed, in a few days, to the Mediterranean, to join the American squadron in that sea.

The papers contain nothing of political importance as it relates to England.

French papers state that on the 15th December, the budget was presented by the count Corvetto

on Monday to the Chamber of Deputies, of which the result shows the necessity of a further loan to a large amount, of which the proposed interest will be 16 millions of francs (\$3,000,000). There is a diminution of 80 millions of francs (\$15,000,000) in the estimates of 1818 as compared with 1817, and this is held out by the minister of Finance as the prelude of continued amelioration.

A discussion was going on in the Chamber of Deputies, for the law restricting the press. It dragged heavily through Monday and Tuesday, and was then adjourned to the day following. In the speech of M. Courvoisier, there was a very violent sarcasm against the system of British liberty, wherein he upbraided them with their seigniorial rights, the wealth of their church dignitaries, their tithes, and their exercise, the flogging of their soldiers, and the oppressings of their sailors.

CHAMBER OF DEPUTIES.

The following is extracted from the sitting of December 15th.

The Budget.—The ministers being introduced, M. the count Corvetto, presented the Budget, and after a few observations on the difficulties to be encountered, he calculated the amount of ordinary charges for the year 1818, at Fr. 680,975,600

The extraordinary, including the expenses of the Allied army, 312,268,422

Total Fr. 993,244,022

The resources for the year he calculated at 767,773,600

Leaving an excess of Fr. 225,465,422

Equal to \$ 42,274,766

This result, he observed, was foreseen in the last year, in even a heavier proportion. The diminution of near eighty millions for the ensuing year, as compared with the expenditure of 1817, is a prelude of the successive ameliorations which future years will produce.

Such is the advantage of a government incorporated with the nation, that the former appears as indistructible as the latter, and its future measure by that of the people, presents the idea of unlimited duration.

Our loan for the present year will not exceed sixteen millions of *rentes*; and seeing the facilities we enjoy, it will not be necessary to alienate more than twelve millions of *rentes* on the sixteen to support the service of the year. The Budget was then read, and referred to the bureaux, where it will not be discussed, until after the deliberation on the press.

Dec. 20.—The discussion on the project regarding the liberty of the press, has at length drawn nearly to a close. On the adjourned meeting of yesterday, after Mr. Starleton and M. De Ronald (the celebrated publicist) had delivered their sentiments at considerable length against the project, there was a loud and general call for the question. M. Chauvelin rose not to oppose this movement, but merely for the purpose of obtaining an explanation from ministers, on a point which it was of importance should be distinctly understood, before the Chamber came to any determination on the subject. The greater part of the speakers, he stated, had concurred in urging, as an amendment to the project, that the mode of trial by jury should be applied to delicts of the

press; but a minister of the king had thought proper to oppose this amendment, by a declaration that the king would not consent to any such addition to the law. It was important, he said, to know how this declaration should be regarded; for himself, he considered it to be entirely contrary to the rights of the Chamber and the constitutional charter. The minister of the interior immediately mounted the tribune; he said, that the expression he had used had been misconceived—that he intended no more than to affirm that the amendment was contrary to the royal prerogative, meaning, we presume, that the project of law having been presented in the king's name, an alteration so material as that proposed, which would have all the effect of a distinct and substantial law, could not be entertained. Nothing farther passed on this point; and we confess we are surprised at it. The prerogative which ministers have claimed for the king, even qualified as it is, by the last explanation, is in direct subversion of the power and independence of the Chamber, and if conceded, must render their proceedings altogether nugatory.

The call for the closing of the discussion being afterwards renewed, it was carried unanimously, and the Chamber adjourned till Saturday, for the purpose of hearing the reporter of the project in reply.

By a private letter from New-Orleans, we learn that the honorable Henry Johnson has been appointed by the legislature of Louisiana, a senator in coneres, to fill the vacancy occasioned by the death of Mr. Claiborne.

From the Georgia Journal Extra, of Jan. 13.

Copy of a letter from gen. Mitchell, Agent for Indian Affairs, to Gen. Rabun, dated

CREEK AGENCY, 28th Jan. 1818.

Dear Sir—I have but barely time to announce to you, the execution of a treaty with the Creeks on the 22d inst. by which they have ceded to the United States, for the use of Georgia, two considerable tracts of land. The one lying to the east side of a line, to be run from what is usually called Jackson's Treaty Line, by the head of a creek called by the Indians Alcasacalikie, a direct and the nearest course to the Ocmulgee river. The creek referred to empties into the Ocmulgee some where near the Big Bend, and not far above Blackshear's road, but how far the head of it extends is uncertain, although from its size, being considerable, it must of course throw the line considerably above its mouth. The other tract lies between the Ulenfouhatchie, the Appalachie and Chatahoochie, and is said to be of considerable extent and value.

The price stipulated for the two tracts is one hundred and twenty thousand dollars.

I expect to leave this for Georgia the first fair day, and will then have the pleasure of presenting for your consideration, an exposition of facts and circumstances, attending the present state of affairs in the Creek nation, upon which you can rely; for, I perceive by the public papers, that as usual, false impressions are entertained, and mere conjectures taken for real facts.

I am dear sir, with great esteem and respect, your very obedient servant.

D. B. MITCHELL, Agent for I. A.

His Exc'y GOVERNOR RABUN.